

**ANALYSIS OF ORIGINAL BILL**

Author: Com. on Governmental Organization Analyst: Deborah Barrett Bill Number: SB 519  
 Related Bills: See Legislative History Telephone: 845-4301 Introduced Date: February 22, 2007  
 Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** Public Meetings/Authorizes Special Meetings To Appoint Interim Executive Officer Of A State Body

**SUMMARY**

This bill would authorize a state body to hold a special meeting for purposes of appointing an interim executive officer.

**PURPOSE OF THE BILL**

According to committee staff, the purpose of this bill is to limit the disruption in the administration of a state agency, board, or commission that can be caused by an unexpected vacancy.

**EFFECTIVE/OPERATIVE DATE**

This bill would be effective January 1, 2008, and would be operative as of that date.

**POSITION**

Pending.

**ANALYSIS**STATE LAW

Under the Bagley-Keene Open Meeting Act, existing state law requires that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body, with specified exceptions for authorized closed sessions. A closed session meeting is authorized for several purposes including employment evaluations, appointments, or dismissals.

Board Position:

\_\_\_\_\_ S      \_\_\_\_\_ NA      \_\_\_\_\_ NP  
 \_\_\_\_\_ SA      \_\_\_\_\_ O      \_\_\_\_\_ NAR  
 \_\_\_\_\_ N      \_\_\_\_\_ OUA        X   PENDING

Department Director

Date

Selvi Stanislaus

3/29/07

To conduct a meeting, state bodies are required to provide a 10-day notice to interested parties and the general public, including the date, time, and items to be considered. In instances where compliance with the 10-day notice would impose a substantial hardship on the state body or when immediate action is required to protect the public interest, state bodies are authorized to hold special meetings without the 10-day notice. When considering the following purposes, the calling of a special meeting is warranted:

- Pending litigation.
- Proposed legislation.
- Issuance of a legal opinion.
- Disciplinary action involving a state officer or employee.
- The purchase, sale, exchange, or lease of real property.
- License examinations and applications.
- An action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
- Response to a confidential final draft audit report.

### THIS BILL

This bill would authorize a state body to call a special meeting for purposes of providing for an interim executive director of the state body upon the death, incapacity, or vacancy in the office of the executive officer.

### IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not impact the department's programs or operations.

### **LEGISLATIVE HISTORY**

AB 277 (Mountjoy, Stats. 2005, Ch. 288) made permanent provisions authorizing closed sessions for purposes of discussing security related issues pertaining to a state body.

AB 780 (Chu, Stats. 2005, Ch. 188) aligned the Franchise Tax Board procedures for the submission of documents at public meetings with the procedures in place for Board of Equalization meetings.

### **OTHER STATES' INFORMATION**

A search for similar laws in *Florida, Illinois, Massachusetts, Michigan, Minnesota, and New York* was made based on their similarities to California's economy, business entity types, and tax laws. While these states have similar Open Meeting requirements, the taxing authorities are not governmental boards to which an open meeting act applies; therefore, a meaningful comparison cannot be made.

## **FISCAL IMPACT**

Implementing this bill would not impact the department's costs.

## **ECONOMIC IMPACT**

This bill would not impact the state income tax revenues.

## **LEGISLATIVE STAFF CONTACT**

Deborah Barrett  
Franchise Tax Board  
(916) 845-4301  
[deborah.barrett@ftb.ca.gov](mailto:deborah.barrett@ftb.ca.gov)

Brian Putler  
Franchise Tax Board  
(916) 845-6333  
[brian.putler@ftb.ca.gov](mailto:brian.putler@ftb.ca.gov)